

Application No. 10/693,163

May 12, 2006

Amendment responsive to Office Action of February 13, 2006

Remarks

Pending Claims 21, 28, and 36 stand objected to by the examiner for certain informalities. Pending Claims 22, 25-27, 32-35 stand rejected by the Examiner under 35 U.S.C. §112. Pending Claims 21, 23-28, 30-34, and 36 stand rejected by the examiner under 35 U.S.C. §102(e) as anticipated by Li et al. (US Pub. No. 2004/0225686 A1). Pending Claims 22 and 29 stand rejected by the examiner as obvious over Li et al. in view of Li et al. (US Pub. No. 2004/0177069 A1). Examiner noted that claim 35 would be allowable if rewritten to overcome rejection under 35 U.S.C. §112 and to include the limitations of the base claim and any intervening claims.

In response to the Office action, Applicants have cancelled claim 36, amended claims 21 and 28 to address the informalities and amended claims 22, 25-29, and 32-35 to address the rejection under 35 U.S.C. §112. Claims 21-35 now remain pending and are presented for further examination.

Applicants have not submitted a declaration under 37 C.F.R. §1.131 swearing behind Li because, on detailed inspection, Li does not anticipate Applicants. Examiner has diligently specified exactly where examiner believes Li does anticipate and Applicants earnestly request that Examiner reconsider. For example, claims 21 and 28 contain the limitation:

producing at least one finer scale keyword wherein each one of the at least one finer scale keyword is likely to occur in association with at least one of the at least one primary keyword, wherein the likelihood of any

Application No. 10/693,163

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keyword occurring in association with another keyword is determined using keyword statistics, and wherein the keyword statistics are stored within a database statistics module;

Examiner determined that the limitation was disclosed by Li et al. (US Pub. No. 2004/0225686 A1) in Figure 13, step 62 and also on page 5, paragraph 68.

On actually examining Li et al (US Pub. No. 2004/0225686 A1), Figure 13, step 62 is a text block containing the text "estimate statistical model(s) to capture inter-scale and intra-scale statistical dependence in images". The text in the specification regarding step 62 makes it clear that the discussion relates to feature vectors that are present in an image when image resolution varies. In other words, Li et al. are seeking scale invariant feature vectors. Applicants do not see how unrelated art can support a 35 U.S.C. §102(e) rejection.

Similarly, in page 5, paragraph 68 of Li et al (US Pub. No. 2004/0225686 A1) discusses a likelihood ratio that can be used to study the words used to tag a set of images. Words that occur frequently, such as "landscape" are deemed to be less significant than words that occur rarely such as "dessert" (Li et al's spelling). Li et al. are using the likelihood ratio for finding and ranking primary keywords based on the statistics of keywords being associated with images. Applicants, however, are "producing at least one finer scale keyword" based on "keyword statistics" where the keywords statistics are clearly the probabilities of keywords occurring in association with other keywords and NOT the probabilities of keywords occurring in association with images. Li et al. are concerned with the statistics of occurrence between keywords and images. Applicants are supplying an inventive step of also examining the statistics of occurrence between keywords and other keywords. The unrelated art disclosed in page 5,

Application No. 10/693,163

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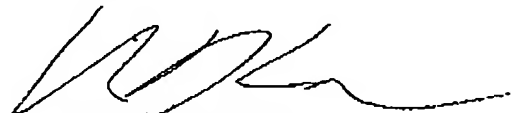
paragraph 68 can not support a rejection under 35 U.S.C. §102(e).

Conclusion

In view of the foregoing remarks, the Applicants submit that Claims 21-35 are patentably distinct over the references and are in allowable form. Accordingly, the Applicants earnestly solicit the favorable consideration of their application, and respectfully request that it be passed to issue in its present condition.

Should the Examiner discern any remaining impediment to the prompt allowance of the aforementioned claims that might be resolved or overcome with the aid a telephone conference, he is cordially invited to call the undersigned at the telephone number set out below.

Respectfully submitted,



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